

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:08CV465

ALAN DUBNICK,)	
)	
Plaintiff,)	
)	
Vs.)	<u>J U D G M E N T</u>
)	
HENDERSON COUNTY HOSPITAL)	
CORPORATION,)	
)	
Defendant.)	
<hr style="width:40%; margin-left:0"/>)	

For the reasons set forth in the Magistrate Judge's Memorandum and Recommendation and the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Defendant's motion for summary judgment is **ALLOWED**, that the Plaintiff take nothing from the Defendant, and Plaintiff's claims are hereby **DISMISSED** in their entirety as follows:

1. Plaintiff's age and sex discrimination claims raised in his first and second causes of action relating to the first EEOC charge, in violation of the ADEA, Title VII, and the NCEEPAA, are hereby **DISMISSED WITH PREJUDICE**;

2. Plaintiff's age and sex discrimination claims raised in his first and second causes of action relating to the second EEOC charge, in violation of the ADEA, Title VII, and the NCEPPA, are hereby **DISMISSED WITHOUT PREJUDICE**; and
3. Plaintiff's claims contained in his third and fourth causes of action are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: August 5, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

